



Substitute Senate Bill No. 1150

Public Act No. 05-76

**AN ACT CONCERNING THE USE OF VESSELS REGISTERED
WITH A MARINE DEALER'S REGISTRATION NUMBER AND THE
REGULATION OF MOTORBOAT NOISE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (d) of section 15-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any marine dealer may operate, or cause to be operated by a bona fide full-time employee, a vessel with a marine dealer's registration number (1) while a potential purchaser or customer is aboard, (2) when running a new vessel from an import terminal to the dealer's place of business, (3) when test running a new vessel after receiving it from the manufacturer, (4) when delivering a sold vessel to the new owner, (5) when running a trade-in vessel from a buyer, (6) when test running a trade-in vessel before it is made available for sale, (7) when running a vessel to, and using a vessel in, a fishing tournament, [and] (8) when test running a vessel after repairs, maintenance or winter storage, (9) when used in connection with the business of the marine dealer, (10) when running the vessel to obtain or deliver parts for the repair of the vessel or another vessel, and (11) for the personal use of the marine dealer. Each marine dealer shall

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maintain a record of the following: (A) Each marine number certificate issued by the commissioner to such dealer, (B) the name, address and occupation of any bona fide full-time employee to whom such certificate has been assigned, (C) the date of assignment of such certificate, and (D) the exact location of each unassigned certificate. For the purposes of this subsection, "bona fide full-time employee" means a person who is employed by a marine dealer for not less than thirty-five hours per week and who appears on the records of such marine dealer as an employee for whom tax is withheld for Social Security, federal income tax and any other withholding or deductions from salary required by law.

Sec. 2. Section 15-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The provisions of this section shall apply to vessels operated on state and federal waters. (1) Every vessel shall carry for each person on board, so placed as to be readily accessible, at least one buoyant personal flotation device. The operator or owner of any vessel being used for recreational purposes, other than a vessel required to have a certificate of inspection issued by the Coast Guard, shall require any child under twelve years of age who is aboard such vessel to wear a personal flotation device while such vessel is underway unless the child is below deck or in an enclosed cabin. Sailboards shall be exempt from carrying a personal flotation device if the mast of the sailboard is secured to the hull by a leash or safety line. (2) Every motorboat with enclosed fuel storage space or an enclosed engine compartment shall be equipped with devices for ventilating flammable or explosive gases. (3) Every motorboat with a carbureted inboard engine shall have the carburetor of such engine equipped with a flame arrestor or backfire trap unless such engine is mounted in the aftermost part of the vessel with no provisions for carrying passengers behind the forward edge of the engine and the carburetor of such engine has its intake opening

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above the gunwale line of the vessel in the open atmosphere and mounted so backfire flames are directed to the rear or vertically away from the vessel and its occupants. (4) Every motorboat shall have its engine equipped with an effective [muffling device] muffler or muffler system. (5) All inboard motorboats, all outboard motorboats twenty-six feet or over in length, and all outboard motorboats less than twenty-six feet in length which have a compartment in which gases may accumulate, shall be equipped with a fire extinguisher. (6) Every motorboat sixteen feet or more in length shall be equipped with a whistle or horn-type sound-producing device capable of producing a blast of two seconds or more in duration. On motorboats sixteen feet or more but less than twenty-six feet in length such device shall be mouth, hand or power-operated and audible for at least one-half mile. On motorboats twenty-six feet or more but less than forty feet in length such device shall be hand or power-operated and audible for at least one mile. On motorboats forty feet or more but less than sixty-five feet in length such device shall be power-operated and audible for at least one mile. Every motorboat twenty-six feet or more in length shall be equipped with a bell capable of producing a clear bell-like tone of full round characteristics. (7) Every vessel operated on the waters of Long Island Sound or Fishers Island Sound between sunset and sunrise shall carry visual distress signals suitable for night use. Every vessel sixteen feet or more in length, except manually propelled vessels and open sailboats that are less than twenty-six feet in length, and are not equipped with propulsion machinery, operated on the waters of Long Island Sound or Fishers Island Sound at any time shall carry visual distress signals suitable for day and night use. No person, operator or owner in a vessel shall display or allow the display of a visual distress signal except when assistance is needed because of immediate or potential danger to persons aboard.

(b) No person shall operate or give permission for the operation of any motorboat on the waters of this state unless such motorboat is at

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all times equipped with a muffler or muffler system which enables such motorboat to be operated in compliance with subsections (c) and (d) of this section and such muffler or muffler system is in use. For purposes of this section "muffler" or "muffler system" means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and causes such engine to operate in compliance with subsections (c) and (d) of this section. "Muffler system" includes, but is not limited to, an underwater through-the-propeller-hub exhaust outlet system.

(c) No person shall operate or give permission for the operation of any motorboat on the waters of this state in such a manner as to exceed the following noise levels: (1) For engines manufactured before January 1, 1993, a noise level of 90 dB(A) when subjected to a stationary sound level test as prescribed by Society of Automotive Engineers Specification Number J2005; (2) for engines manufactured on or after January 1, 1993, a noise level of 88 dB(A) when subjected to a stationary sound level test as prescribed by Society of Automotive Engineers Specification Number J2005. If a motorboat is equipped with more than one engine, the said noise levels shall apply when all such engines are simultaneously in operation.

(d) No person shall operate or give permission for the operation of any motorboat on the waters of this state in such a manner as to exceed a noise level of 75 dB(A) measured as specified by Society of Automotive Engineers Specification Number J1970.

(e) Any officer authorized to enforce the provisions of this chapter who has reason to believe that a motorboat is being operated in excess of the noise levels established in subsection (c) or (d) of this section may request the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board such motorboat if such officer chooses, and the operator shall comply with such request. If such motorboat exceeds the noise levels

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established in subsection (c) or (d) of this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the motorboat to a mooring and keeping the motorboat at such mooring until the violation is corrected or ceases.

(f) Any officer who conducts a motorboat sound level test as provided in this section shall be qualified in motorboat noise testing by the Department of Environmental Protection. Such qualification shall include, without limitation, instruction in selection of the measurement site and in the calibration and use of noise testing equipment.

(g) No person shall operate or give permission for the operation of any motorboat on the waters of this state that is equipped with a muffler or muffler system cutout, bypass or similar device which prevents the proper operation of or diminishes the operating capacity of the muffler, or causes the motorboat to be operated in violation of subsection (c) or (d) of this section except that the commissioner shall allow the installation and operation of those muffler system cutouts, bypasses or similar devices that are demonstrated to the satisfaction of the commissioner to operate in accordance with the provisions of subsection (c) or (d) of this section.

(h) No person shall remove a muffler or muffler system from a motorboat or alter a muffler or muffler system on a motorboat so as to prevent the operation of such motorboat in compliance with subsections (c) and (d) of this section.

(i) No person shall sell or offer for sale any motorboat which is not equipped with a muffler or muffler system which enables such motorboat to be operated in compliance with subsections (c) and (d) of this section. This subsection shall not apply to the sale or offer for sale of a motorboat which will be operated solely for the purpose of competing in marine races or regattas, provided upon the sale of a

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motorboat which is not equipped with such a muffler or muffler system, the seller shall provide to the purchaser, and the purchaser shall date and sign, the following statement: "I understand that this motorboat may not be operated for any purposes other than competing in a marine race or regatta authorized under section 15-140b of the Connecticut general statutes". Such statement shall include the hull identification number of the motorboat being purchased. Not later than five days after the sale, the seller shall submit to the commissioner a copy of such signed and dated statement. The seller and purchaser shall each retain a copy of the statement.

(j) The provisions of subsections (c) and (d) of this section shall not apply to the operation of a motorboat participating in a marine race or regatta authorized by the commissioner under section 15-140b.

(k) All devices and equipment required by this section shall be of a type and carried in the quantity and location approved by the commissioner or by the United States Coast Guard.

(l) Sirens shall not be used on any vessel except that law enforcement vessels of the United States, this state or a political subdivision of this state may use sirens when engaged in law enforcement activities or when identification is necessary for safety reasons. Any vessel may be equipped with a theft alarm signal device if such device is so designed that it cannot be used as an ordinary warning signal.

(m) Any person who violates any provision of subsection (a) of this section shall have committed an infraction. Any person who violates the provisions of any other subsection of this section or who fails to comply with a request or direction of an officer made pursuant to subsection (e) of this section shall be fined not less than one hundred dollars nor more than five hundred dollars.

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Approved June 2, 2005